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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/792,326 | 03/03/2004 | Paul Drew | 200314587-1 | 4374 |

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EXAMINER

LE, TAN

ART UNIT PAPER NUMBER

3632

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/792,326

Applicant(s)

DREW ET AL.

Examiner

Tan Le

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 21-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/3/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the first office action for Application No. 10/792,236. This application contains 25 claims numbered 1-25.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 3/3/04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Election/Restrictions

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-20, drawn to a monitor stand, classified in class 248, subclass 125.1
 - II. Claims 21 drawn to a method for mechanically carrying out a monitor at a desired vertical position, classified in class 248, subclass 158.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the monitor stand could be

clearly utilized with numerous other objects and in numerous other environments, not just with the monitor.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. William P. O'Meara on November 16, 2005, a provisional election was made without traverse to prosecute the invention of Group I, claims 1-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 21-25 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

An examination as follows:

Abstract:

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. Specifically, "means" as recited in the abstract should be removed.

Specification

5. The disclosure is objected to because of the following informalities: The specification fails to include a brief summary of the invention. Appropriate correction is required.

The specification is objected to because numerous reference numerals show in the drawings such as reference numbers "2", "450", "452", "460" in Figure 4 but do not appear in the specification.

Note: Page 6 [0026] refers to a threaded hole "140" but not found in Figures 1-3.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Correction of the following is required: The specification failed to teach or otherwise described the friction plate as claimed in claims 6 and 13. More particularly, the specification failed to teach or otherwise described the operation of a "friction plate" configured to be movable against one or more of, the guide, and the attachment assembly " as set forth in claims 6 and 13. Further, the specification does not provide or inadequately disclosed a standard of how "friction plate" configured to be movable against one or more of, the guide, and the attachment assembly. Without this disclosure one of ordinary skill cannot be reasonably apprised the scope of the invention as set forth by the claim. Also, the invention cannot be make without undue experimentation because of the number of operational parameters that involve in making of a friction plate.

Drawings

6. The drawings are objected to under 37 CFR 1.84(l) because the drawings are not satisfactory to the reproduction purpose. For example, Figures 1-4 are difficult to observe because it appears to be small. Figure 5 is difficult to see because it appears to be a photograph. The Applicant is highly advised to utilize a Draftsperson to increase the clarity of all the figures, and pay attention to weight of all lines, numbers and letters must be clean, legible, and sufficiently dense in darkness as to permit adequate reproduction. Correction is required.

The drawings are also objected to because they include the following reference signs that are not mentioned in the description: "2", "450", "452", "460", (37 CFR 1.84(p)(5))

The fragment parts or section view figures (For example Figures 5-8) are not clearly indicated. The fragment part or section view should have a common reference numeral to the original part as it referred to. For example, Figure 6 should have a common reference number to clearly indicate that Figure 6 is a fragment part of Figures 1-5. It is suggested a common reference numerals are needed on all fragment parts of cross section views to enable a better understanding of the figures.

The drawings are further objected to because the "exploded view" of Figures 1-4 as described in specification is not properly drawn (see 37 CFR 1.84(h)(1)). Figures 1-4 must have a hatching linked to show where all parts are designating or connecting to together.

Applicant is responsible to ensure the drawings are to be met under statutory 37 CFR 1.84 and any corrections to the drawings should be in compliance with statutory 37 CFR 1.121 and 1.85.

Claim Objections

7. Claims 6 and 13 are objected to because of the following informalities: "Friction plate" as claimed in claims 6 and 13 but do not describe in the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 is incomplete for omitting the necessary structural cooperative relationship between the means and the other previously recited elements.

No structural connection or relationship is set forth between the claimed elements.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

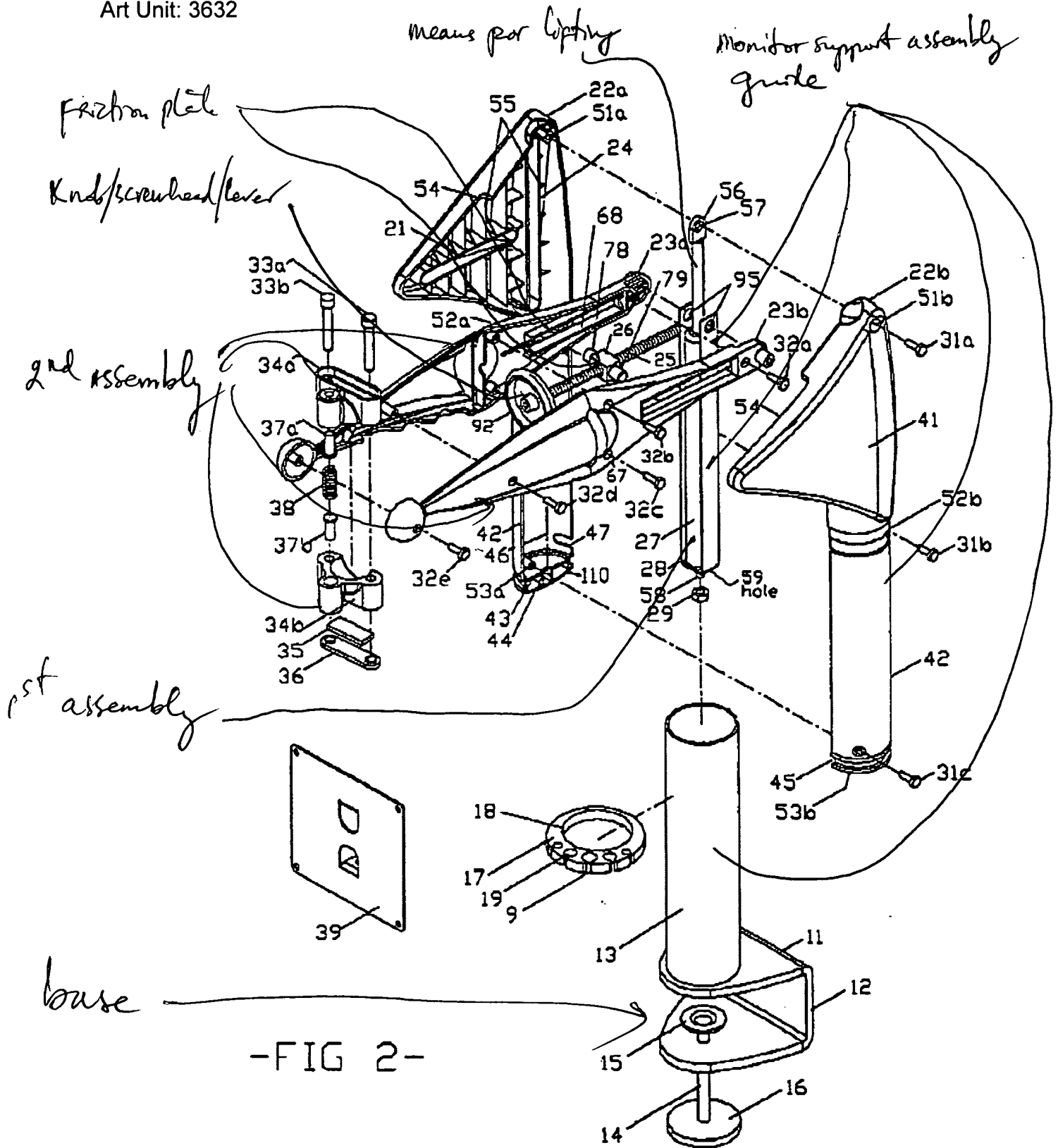
A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,857,610 to Conner et al.

All limitations in claims 1-20 are substantially disclosed in the prior art of Conner et al as illustrated below.

Note: regarding claims 3-4, 10-11 the monitor support assembly of Conner et al. can be moved vertically by applying a force with a vertical component of more or less than 10 Newtons.



Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conner et al.

Conner teaches all the structures of claims 1-24 as illustrated above. The method for mechanically carrying a monitor at a desired vertical position would have been obvious in view of the structures as disclosed in Conner et al. It would also have been obvious to one ordinary skill in the art to know how to mount a monitor into the monitor stand by going through all the tasks or steps necessary because the simplicity design of the device and the purpose to be use for would not require any prior knowledge of any technical skill to perform such tasks.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4,690,362 to Jelgeland

6,381,125 to Mizoguchi et al.

6,874,743 to Eatanabe et al.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4,690,362 to Jelgeland

6,381,125 to Mizoguchi et al.

6,874,743 to Eatanabe et al.

5,240,215 to Moore

6,918,564 to Yen et al.

6,702,238 to Wang

6,189,849 to Sweere et al.

6,796,537 to Lin

4,605,188 to Goetz

D. 478,088 to Hamouz.

The above patents disclose various types of vertically adjustable monitor stands relevant to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone


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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANITA KING
PRIMARY EXAMINER

Tan Le
November 14, 2005.